IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 644 of 2004 (M/B)

Smt. Anju Gupta w/o Shri Subhash Gupta
Prop. M/s K.M. Industries,
R/o Behind Rajpur, Dharamshala,
R.K. Mission Road,
Kankhal, Haridwar, Distt. Haridwar ……... Petitioner

Versus

1. Central Bank of India, Branch Haridwar.
   District Haridwar.
2. Collector, District Haridwar.
3. Tehsildar, Haridwar, Distt. Haridwar …… Respondents

…….

Sri Parikshit Saini, Advocate for the petitioner.
Sri B.D.Kandpal, advocate for respondent no.1
Sri N.C.Gupta, Standing Counsel for respondents 2 and 3.

JUDGMENT

Coram: Hon'ble Rajeev Gupta, C.J.
Hon'ble Prafulla C. Pant, J.

RAJEEV GUPTA, C. J. (Oral)

Sri Parikshit Saini, Advocate for the petitioner.

Sri B.D.Kandpal, Advocate for respondent no.1

Sri N.C. Gupta, Standing Counsel for respondents 2 and 3.

They are heard.

2. The petitioner has filed this petition of the following reliefs:

"a) Issue a writ, order or direction in the nature of certiorari quashing the recovery certificate/citation as contained as Annexure 3 to this writ petition.

b) pass any other writ, orders or directions in the nature of mandamus in favour of the petitioner directing the respondent no.1 to rectify the rate of interest in accordance with law as applicable to agricultural loan and furnish to the petitioner the statement of account depicting the amount already repaid towards the loan, balance amount together with interest and recover the actual outstanding dues in easy instalments.

c) Issue any other writ suitable order which this Hon'ble Court may deem fit and proper in the circumstances of the case.

d) Award the cost of the present writ petition to the petitioner."

3. On 08.07.2004, the following interim order was passed in the writ petition:

> "Considering the hardship of the petitioner, it will be just and proper to allow the petitioner to repay the amount of loan in question in six half-yearly instalments. Therefore, it is provided that the petitioner shall pay the amount of loan in question in six half-yearly instalments. First five instalments shall be of equal amount and the last instalment shall also include the interest.
>
> First instalment shall be paid by the petitioner within a period of one month form today and thereafter successive instalments shall be paid on expiry of every six months. However, in case of failure to pay any instalment, this order shall stand vacated."

4. It is not in dispute that the petitioner in compliance of the above quoted interim order has deposited four instalments of Rs. 1,53,200/- each on 05.08.2004, 07.02.2005, 04.08.2005 and 07.02.2006.

5. In our opinion, the petition deserves to be disposed of with a directing to the petitioner to deposit the balance amount in remaining two half yearly instalments which will fall due in August 2006 and February 2007.

6. As the parties i.e. the petitioner and the first respondent- Central Bank of India have agreed to the above arrangement, the petitioner is directed to deposit the balance amount in two half yearly instalments falling due in August 2006 and February 2007 failing which the respondent bank shall be free to proceed further against the petitioner in pursuance of the Recovery Citation –Annexure -3.

(Prafulla C. Pant, J.) **(Rajeev Gupta, C. J.)**
14.06.2006 14.06.2006

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